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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/225,574	01/05/1999	ROBIN TARRY	024730018	2324

7590 09/29/2003

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EXAMINER	
MILLER, BENA B	
ART UNIT	PAPER NUMBER
3712	

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/225,574	TARRY ET AL.	
	Examiner	Art Unit	
	Bena Miller	3712	

-- The MAILING DATE of this communication app ars on th cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *38-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *38-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38, 40-42, 46-48, 50, 51 and 54 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Mann.

Regarding claim 38, Mann in figures 1-19J teaches a system for providing real-time instructional feedback of a user comprising a video camera forming a real-time video signal (14), a processor generating an instructional signal (col. 8, par.2), a video controller (18; col. 8, par. 2 and 3) and first display device displaying the composite video signal (32 or 25).

Regarding claim 40, Mann further teaches a second display device coupled to the video controller and the video controller includes circuitry (col. 9, par. 5- col. 10, line 17).

Regarding claims 41, Mann further teaches the video controller including a signal splitter (col. 7, par. 5 and col. 8, par. 5 – col. 9, line 18).

Regarding claim 42, Mann further teaches the video controller including a video mixer (col. 9, par. 5 – col. 10, line 17).

Regarding claim 46, Mann further teaches the processor including a personal computer (20).

Regarding claim 47, Mann further teaches the processor includes means for receiving an instructional input generated at a site remote (col. 9, par. 5 – col. 10, line 17).

Regarding claim 48, Mann teaches in figures 1-19J a method for providing real-time instructional feedback of a user engaged in an activity comprising the steps of forming a real time video signal of the user (14), generating an instructional signal (col. 8, par. 2), combining the instructional signal and the real-time video signal to form a composite video signal with an instruction image superimposed onto an image of the user engaged in the activity (col. 6, par. 4- col. 7, line 10 and col. 8, par 2 and 3; 18) and displaying the composite video signal to the user on a first display device (32 or 25).

Regarding claim 50, Mann further teaches displaying an annotated video signal, generated from the real-time video signal, on a second display device (col. 9, par. 5-col. 10, line 17).

Regarding claim 51, Mann further teaches superimposing the instructional signal with the real-time video signal (col. 6, par. 4 – col. 7, line 10 and col. 8, par. 2 and 3; 18).

Regarding claim 54, Mann further teaches receiving an instruction input generated at a site remote from the user and converting the instructional input into the instructional signal (col. 9, par. 5 – col. 10, line 17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 39, 43-45, 52 and 53 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Brostedt (WO 98/25250).

Mann teaches in the figures most of the elements of the claimed invention, including the elements as noted above. Regarding claims 39 and 49, Mann fails to teach the first display including a head mounted display. Brostedt teaches in figures 1-10 a system and method for teaches physical skills such as golf by the use of video reproduction utilizing a video image of an instructor (Abstract, page 1). The student is able to view the video of the instructor on a pair of video glasses (101). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a head-mounted display as taught by Brostedt with device of Mann for the purpose of the student viewing an video image of an instructor when practicing.

Regarding claims 43-45, 52 and 53, Mann fails to teach an audio output, earphones, and the video controller including circuitry for generating an aural signal for the audio output. Brostedt teaches on page 15, lines 1-11, the video controller 36 including a microphone 36X (34A, page 9, line 27) and the glasses 101 including earphones that permits the student to hear sounds provided along with the video signals. Also, Brostedt teaches on page 9, lines 25-35, the microphone picks up audio sounds. The audio signal processor is utilized to process the audio signal from the microphone to the record it along with the video by means of a recorder 29. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide a earphones as taught by Brostedt with the device of Mann for the purpose of allowing the student to hear sounds provided along with the video signals. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a circuitry for generating an aural signal for audio output as taught by Brostedt in the device of Mann for the purpose of permitting the student to hear sounds provided along with the video signals.

Response to Arguments

Applicant's arguments filed 08/08/03 have been fully considered but they are not persuasive. In response to applicant's remarks that Mann fails to teach using "real-time instructional feedback of a user engaged in an activity" that allows "the user to perform the activity while viewing the displayed signal", Mann teaches a hard copy video record of the performance swing of a student is overlayed on with an individual superior performance model in order for the student to compare his or her swing to the model swing. Furthermore, Mann teaches that after the video performance overlay process, the videotape may be saved a viewed by other students for aiding them in improving their golf swing. Therefore, Mann meets the limitations of the claimed invention.

In reference to applicant's remarks that there is no motivation to combine Mann with Brodstedt, the examiner disagrees. Brodstedt does teach a video camera used to capture video images of an instructor for processing and recording so a student may view a swing. Video glasses, which include earphones are used by the student to view the images and hear sounds provided with the video. The obviousness combination of

Brodstedt with Mann is proper and the motivation, as noted above, is found with Brodstedt to modify Mann.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643. The examiner can normally be reached on Monday-Friday.

Bbm
September 25, 2003

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
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